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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/649,594	08/29/2000	Ryozo Nishimura	001090	8720

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EXAMINER

DUGGINS, ALICIA M

ART UNIT	PAPER NUMBER
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2616

DATE MAILED: 04/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/649,594

Applicant(s)

NISHIMURA ET AL.

Examiner

Alicia M Duggins

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 8/16/04.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Response to Arguments

Applicant's arguments with respect to claims 1-8 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 - 3 are rejected under 35 U.S.C. 102(b) as being anticipated by Baxter (US5029015).

Regarding claims 1 and 3, Baxter shows a video recording/reproducing apparatus comprising:

A tuner for inputting a plurality of channels of television signals and outputting a television signal of a designated channel in fig.1 as TUN (col.4 ll.8-39)

A modulator for modulating the television signal from the tuner is shown in fig.1 as MOD (col.4 ll.21-39)

An outputter for outputting the television signal modulated by the modulator is shown as the video output terminal VD in fig. 1 (col.4 ll.21-39)

Figs.3 and 4 show a searcher for searching for an unused channel from a plurality of channels is shown as an algorithm for detecting the free channel, a first setter for setting a frequency of the unused channel detected by the searcher (col.5 l.7- col.7 l.4)

a presetter for presetting a used channel included in the plurality channel is shown in fig. 4a where MOD O/P acts as a presetter whereby the wanted sideband WB occupies wanted or preselected channel (col.7 ll.5-21)

Regarding claim 2, Baxter shows an instructor for instructing suspension of a presetting operation to be enabled after completing the frequency setting operation as a microcontroller which controls all channel selection (col.5 l. 19-38) which also acts as a disabler for disabling a presetter, whereby if there is no signal present at the specific channel that is to be preset, the presetter would be disabled since there would be no channel to set.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Baxter in view of Beyers et al. (US5943467).

Regarding claim 4, Although Baxter discusses a video recording/reproducing apparatus with a tuner he does not discuss the use of displayers, which is discussed by Beyers. It would have been obvious to one of ordinary skill in the art to utilize displayers to enable the user to see which channel the television signal has been assigned to.

Beyers shows a first displayer for displaying channel numbers of the predetermined channels (250) in fig.2

A selector for selecting any of the predetermined channels (240) in fig. 2

A second setter for setting a frequency of channel selected by said selector to the modulator (137) in fig.1

Regarding claim 5, Beyers shows a second displayer for displaying a channel number of a frequency set in the modulator (140) in fig.1

Regarding claims 6 and 8 Beyers shows:

A generator for generating a character signal (140) and a combiner for combining the character signal with the television signal (155) in fig.1 (col.3 ll.30-32)

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A third setter and displayer for setting the frequencies of the predetermined channels to the modulator at a predetermined time interval and displaying the channel numbers in fig. 3l

'Regarding claim 7 Beyer shows a controller (110) in fig.1 for controlling the generator

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Baxter (US 5029015)


Jeong (US 5278655)

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alicia M Duggins whose telephone number is (703)305-5621. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (703)305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMD
5/3/04


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